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**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:09-cv-01765-HHK**

CENTER FOR PUBLIC INTERGRITY v. U.S.
DEPARTMENT OF EDUCATION et al
Assigned to: Judge Henry H. Kennedy
Case: [1:10-cv-00591-HHK](#)

Cause: 05:552 Freedom of Information Act

Date Filed: 09/17/2009
Date Terminated: 03/05/2010
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

CENTER FOR PUBLIC INTERGRITY

represented by **Peter Newbatt Smith**
CENTER FOR PUBLIC INTEGRITY
910 17th Street, NW
7th Floor
Washington, DC 20006-2606
(202) 481-1239
Fax: (202) 466-1102
Email: psmith@publicintegrity.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

U.S. DEPARTMENT OF EDUCATION

represented by **Rhonda C. Fields**
UNITED STATES ATTORNEY'S
OFFICE
555 Fourth Street, NW
10th Floor
Washington, DC 20530
(202) 514-6970
Fax: (202) 514-8780

Defendant

ARNE DUNCAN
*in his official capacity as U.S. Secretary of
Education*

represented by **Rhonda C. Fields**
(See above for address)
LEAD ATTORNEY

Defendant

JOANN RYAN
*in her official capacity as Chief FOIA
Officer*

represented by **Rhonda C. Fields**
(See above for address)
LEAD ATTORNEY

Defendant

ROBERT WEHAUSEN
*in his official capacity as FOIA Public
Liaison*

represented by **Rhonda C. Fields**
(See above for address)
LEAD ATTORNEY

Defendant

LINDA DARBY
*in her official capacity as FOIA Public
Liaison*

represented by **Rhonda C. Fields**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

| Date Filed | # | Docket Text |
|------------|--------------------------|--|
| 09/17/2009 | <u>1</u> | COMPLAINT against U.S. DEPARTMENT OF EDUCATION, ARNE DUNCAN, JOANN RYAN, ROBERT WEHAUSEN, LINDA DARBY (Filing fee \$ 350, receipt number 4616024053) filed by CENTER FOR PUBLIC INTERGRITY. (Attachments: # <u>1</u> Civil Cover Sheet)(tr) (Entered: 09/18/2009) |
| 09/17/2009 | <u>2</u> | LCvR 7.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by CENTER FOR PUBLIC INTERGRITY identifying Corporate Parent NONE for CENTER FOR PUBLIC INTERGRITY. (tr) (Entered: 09/18/2009) |

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| 09/17/2009 | | SUMMONS Issued(7) as to U.S. DEPARTMENT OF EDUCATION, ARNE DUNCAN, JOANN RYAN, ROBERT WEHAUSEN, LINDA DARBY, U.S. Attorney and U.S. Attorney General (tr) (Entered: 09/18/2009) |
| 10/05/2009 | <u>3</u> | RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on Attorney General. Date of Service Upon Attorney General 9/24/2009. (Attachments: # <u>1</u> Exhibit USPS Domestic Return Receipt)(Smith, Peter) (Entered: 10/05/2009) |
| 10/05/2009 | <u>4</u> | SUMMONS Returned Executed by CENTER FOR PUBLIC INTERGRITY. U.S. DEPARTMENT OF EDUCATION served on 9/23/2009, answer due 10/23/2009; ARNE DUNCAN served on 9/23/2009, answer due 10/23/2009; JOANN RYAN served on 9/23/2009, answer due 10/23/2009; ROBERT WEHAUSEN served on 9/23/2009, answer due 10/23/2009; LINDA DARBY served on 9/23/2009, answer due 10/23/2009. (Attachments: # <u>1</u> Exhibit USPS Domestic Return Receipts)(Smith, Peter) (Entered: 10/05/2009) |
| 10/05/2009 | <u>5</u> | SUMMONS Returned Executed by CENTER FOR PUBLIC INTERGRITY. U.S. DEPARTMENT OF EDUCATION served on 9/17/2009, answer due 10/23/2009. (Smith, Peter) (Entered: 10/05/2009) |
| 10/19/2009 | <u>6</u> | ANSWER to <u>1</u> Complaint by U.S. DEPARTMENT OF EDUCATION, ARNE DUNCAN, JOANN RYAN, ROBERT WEHAUSEN, LINDA DARBY. Related document: <u>1</u> Complaint filed by CENTER FOR PUBLIC INTERGRITY.(Fields, Rhonda) (Entered: 10/19/2009) |
| 10/21/2009 | <u>7</u> | ORDER directing the parties to submit a joint case management report and proposed deadlines for submission of dispositive motions by November 20, 2009. Signed by Judge Henry H. Kennedy, Jr. on October 21, 2009. (NP) (Entered: 10/21/2009) |
| 11/19/2009 | <u>8</u> | STATUS REPORT <i>joint case management report and proposed deadlines for submission of dispositive motions</i> by U.S. DEPARTMENT OF EDUCATION, ARNE DUNCAN, JOANN RYAN, ROBERT WEHAUSEN, LINDA DARBY. (Attachments: # <u>1</u> Text of Proposed Order)(Fields, Rhonda) (Entered: 11/19/2009) |
| 11/20/2009 | <u>9</u> | SCHEDULING ORDER. Signed by Judge Henry H. Kennedy, Jr. on November 20, 2009. (NP) (Entered: 11/20/2009) |
| 11/20/2009 | | Reset Deadlines: Dispositive Motions due by 1/20/2010. Response to Dispositive Motions due by 2/19/2010. Reply to Dispositive Motions due by 3/22/2010. Replies due by 4/13/2010. (tj) (Entered: 11/20/2009) |
| 01/20/2010 | <u>10</u> | MOTION for Summary Judgment by U.S. DEPARTMENT OF EDUCATION (Attachments: # <u>1</u> Bergeron dec., # <u>2</u> Darby dec., # <u>3</u> Kallem dec, # <u>4</u> Moore dec., # <u>5</u> Osgood dec., # <u>6</u> Wehausen dec., # <u>7</u> Text of Proposed Order)(Fields, Rhonda) (Entered: 01/20/2010) |

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| 01/20/2010 | 1 1 | EXHIBITS re: 10 MOTION for Summary Judgment by U.S. DEPARTMENT OF EDUCATION (Attachments: # 1 Appellate Determination (3)., # 2 09-00930-A, # 3 \ 09-00930-B, # 4 09-00930-C, # 5 09-00930-D, # 6 09-00930-F)(Fields, Rhonda) Modified event title on 1/21/2010 (znmw,). (Entered: 01/20/2010) |
| 01/20/2010 | 1 2 | EXHIBITS re: 10 MOTION for Summary Judgment <i>final batch of exhibits</i> by U.S. DEPARTMENT OF EDUCATION (Attachments: # 1 09-01522-A, # 2 09-01522-B, # 3 09-01522-C, # 4 09-01522-D, # 5 09-01609-A, # 6 09-01609-B, # 7 09-01609-C, # 8 09-01609-D, # 9 09-01609-E, # 10 09-01717-A, # 11 09-01717-B, # 12 09-01717-C, # 13 09-01717-D, # 14 09-01717-E, # 15 \09-01717-F)(Fields, Rhonda) Modified event title on 1/21/2010 (znmw,). (Entered: 01/20/2010) |
| 01/21/2010 | | NOTICE OF ERROR re 12 Motion for Summary Judgment; emailed to rhonda.fields@usdoj.gov, cc'd 1 associated attorneys -- The PDF file you docketed contained errors: 1. Some exhibits are upside down; please refile corrected exhibits with an Errata. (znmw,) (Entered: 01/21/2010) |
| 01/22/2010 | 1 3 | ERRATA by U.S. DEPARTMENT OF EDUCATION 11 MOTION for Summary Judgment filed by U.S. DEPARTMENT OF EDUCATION, 12 MOTION for Summary Judgment <i>final batch of exhibits</i> filed by U.S. DEPARTMENT OF EDUCATION. (Attachments: # 1 Exhibit 09-00930-A, # 2 Exhibit 09-00930-B, # 3 Exhibit 09-00930-C, # 4 Exhibit 09-00930-D, # 5 Exhibit 09-00930-F, # 6 Exhibit 09-01522-A, # 7 Exhibit 09-01522-B, # 8 Exhibit 09-01522-C, # 9 Exhibit 09-01522-D, # 10 Exhibit 09-1609-A, # 11 Exhibit 09-1609-B, # 12 Exhibit 09-1609-C, # 13 Exhibit 09-1609-D, # 14 Exhibit 09-1609-E, # 15 Exhibit 09-01717-A, # 16 Exhibit 09-01717-B, # 17 Exhibit 09-01717-C, # 18 Exhibit 09-01717-D, # 19 Exhibit 09-01717-E, # 20 Exhibit 09-01717-F, # 21 Exhibit Appellate Determination (3))(Fields, Rhonda) (Entered: 01/22/2010) |
| 02/19/2010 | 1 4 | MOTION to Dismiss by CENTER FOR PUBLIC INTERGRITY (Attachments: # 1 Text of Proposed Order)(Smith, Peter) (Entered: 02/19/2010) |
| 03/05/2010 | 1 5 | ORDER granting 14 Plaintiff's Motion for Voluntary Dismissal. Signed by Judge Henry H. Kennedy, Jr. on March 5, 2010. (NP) (Entered: 03/05/2010) |
| 03/12/2010 | 1 6 | Consent MOTION for Extension of Time to <i>File Motion for Attorneys' Fees</i> by CENTER FOR PUBLIC INTERGRITY (Attachments: # 1 Text of Proposed Order) (Smith, Peter) (Entered: 03/12/2010) |
| 03/15/2010 | | MINUTE ORDER granting 16 Plaintiff's Consent Motion for Extension of Time to File Motion for Attorneys' Fees. Accordingly, any motion for attorneys' fees and costs shall be filed by March 19, 2010. Signed by Judge Henry H. Kennedy, Jr. on March 15, 2010. (NP) (Entered: 03/15/2010) |
| 03/19/2010 | 1 7 | MOTION for Attorney Fees by CENTER FOR PUBLIC INTERGRITY (Attachments: # 1 Declaration of Peter Newbatt Smith, # 2 Exhibit Time Record, # 3 Exhibit FOIA Response 09-01717-F, # 4 Text of Proposed Order)(Smith, Peter) |

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| | | (Entered: 03/19/2010) |
| 04/05/2010 | 1 8 | Memorandum in opposition to re 17 MOTION for Attorney Fees filed by LINDA DARBY, ARNE DUNCAN, JOANN RYAN, U.S. DEPARTMENT OF EDUCATION, ROBERT WEHAUSEN. (Fields, Rhonda) (Entered: 04/05/2010) |
| 04/15/2010 | 1 9 | REPLY to opposition to motion re 17 MOTION for Attorney Fees filed by CENTER FOR PUBLIC INTEGRITY. (Attachments: # 1 Declaration of Kristen Lombardi, # 2 Exhibit 1 (Determination Letter), # 3 Exhibit 2 (Administrative Appeal))(Smith, Peter) (Entered: 04/15/2010) |
| 03/31/2011 | 2 0 | ORDER denying 17 plaintiff's Motion for Attorney Fees. Signed by Judge Henry H. Kennedy, Jr. on March 31, 2011. (lchhk3) (Entered: 03/31/2011) |

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